

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GLOBAL INTERACTIVE MEDIA, INC.,

Plaintiff,

v.

TITAN TV, INC. and
BROADCAST INTERACTIVE
MEDIA, LLC,

Defendants.

ORDER

18-cv-597-wmc

The court is in receipt of defendant Titan TV's motion to dismiss (dkt. #15) largely based on representations about an Asset Purchase Agreement that defendant has failed to provide to either the plaintiff *or* the court. That said, the complaint leaves much to be desired with regards to the basis for either defendant's liability in light of the fact that: (1) Broadcast Interactive Media, LLC may be defunct (*see* 17-cv-26 dkt. ##10, 16); and (2) Titan TV's possible infringement liability may be limited to four months, and even then, just on one of the three asserted patents, unless successor liability applies.

Given all of that, it appears that this case may benefit from early resolution of all, or at least some, of the claims under Federal Rule of Civil Procedure 12(d). Accordingly, IT IS ORDERED that:

- 1) Defendant Titan TV may have until Tuesday, November 27, 2018, to file a motion for summary judgment consistent with the court's attached summary judgment procedures, including proposed findings of fact and supporting evidentiary materials, as to what, if any, claims against it are moot by virtue of Broadcast Interactive Media having gone out of business or barred by a lack of successor liability.
- 2) Plaintiff may have until December 18, 2018, to respond, consistent with those same procedures.

- 3) Defendant Titan TV may have until January 2, 2019, to file a reply, also in accordance with the court's summary judgment procedures.
- 4) The parties are directed to meet and confer promptly as to a protective order and are to cooperate in expedited discovery consistent with this schedule on the two issues noted (Broadcast Interactive Media's possible dissolution and transfer of assets/liability, if any, to Titan TV).
- 5) Regarding these same issues, defendant Titan TV shall comply with its Rule 26(a) disclosure obligations within 14 days. Plaintiff shall do the same within 21 days.
- 6) As to all other matters in litigation, the parties are obligated to make complete Rule 26(a) disclosures by the deadline set forth in Federal Rule of Civil Procedure 26 or as otherwise established by the court at the preliminary pretrial conference on November 29.

Entered this 2nd day of November, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge